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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,665	07/28/2003	Kuen-Chu Lai	U 014733-1	5233
7590		11/01/2007		
Ladas & Parry				
26 West 61st Street				
New York, NY 10023				
			EXAMINER	
			RIYAMI, ABDULLA A	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			11/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/628,665

Applicant(s)

LAI ET AL.

Examiner

Abdullah Riyami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to an amendment/response filed on August 10, 2007.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tosey (US 6,392,990 B1).

As per claim 1, Tosey discloses a device for observing variations of network packets, comprising: a first I/O observer device (see column 4, line 55 – 58, and see figure 3) for analyzing the contents of a packet (see column 3, line 28-31); a second I/O observer device (see column 4, line 55 – 58) for analyzing the contents of a packet (see column 3, line 28-31); a third I/O observer device (see column 5, lines 13-15 and column 10, lines 13-17) for analyzing the contents of a packet (see column 3, lines 28-31); a first hub for transmitting the packets (see column 5, lines 15- 19 and figure 3); a second hub for transmitting the packets (see column 5, lines 15- 19); a third hub for transmitting the packets (see column 5, lines 15- 19 and column 10, lines 13-17);

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a first packet extractor (see column 5, lines 15- 19 and figure3) having a packet outputting end and a packet receiving end, wherein the packet receiving end of the first packet extractor is connected to the first hub, the second hub, and the third hub, and the packet outputting end of the first packet extractor is connected to the first I/O observer device; a second packet extractor (see column 5, lines 15- 19) having a packet outputting end and a packet receiving end, wherein the packet receiving end of the second packet extractor is connected to the first hub, the second hub, and the third hub, and the packet outputting end of the second packet extractor is connected to the second I/O observer device; and a third packet extractor (see column 5, lines 15- 19 and column 10, lines 13-17); having a packet outputting end and a packet receiving end, wherein the packet receiving end of the third packet extractor is connected to the first hub, the second hub, and the third hub, and the packet outputting end of the third packet extractor is connected to the third I/O observer device.

As per claim 2, Tosey discloses the device, wherein the first I/O observer device is a personal computer (see column 4, lines 41-44).

As per claim 3, Tosey discloses the device, wherein the second I/O observer device is a personal computer (see column 4, lines 41-44).

As per claim 4, Tosey discloses the device, wherein the third I/O observer device is a personal computer (see column 4, lines 41-44 and column 5, lines 13-15).

As per claim 5, Tosey discloses the device, wherein the first packet extractor comprises three network interface cards (see column 10, lines 13-17) respectively

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connected to the first hub, the second hub, and the third hub (see column 5, lines 15- 19 and column 10, lines 13-17).

As per claim 6, Tosey discloses the device, wherein the second packet extractor comprises three network interface cards (see column 10, lines 13-17) respectively connected to the first hub, the second hub, and the third hub (see column 5, lines 15- 19 and column 10, lines 13-17).

As per claim 7, Tosey discloses the device, wherein the third packet extractor comprises three network interface cards (see column 10, lines 13-17) respectively connected to the first hub, the second hub, and the third hub (see column 5, lines 15- 19 and column 10, lines 13-17).

As per claim 8, Tosey discloses a device for observing network packets, comprising a first hub (see column 5, lines 15- 19 and figure3); a second hub (see column 5, lines 15- 19); a third hub (see column 5, lines 15- 19 and column 10, lines 13- 17); a first personal computer (see column 4, lines 41-44 and figure 3) provided with at least three network interface cards (see column 10, lines 13-17) respectively connected to the first hub, the second hub, and the third hub; a second personal computer (see column 4 lines 41-44) provided with at least three network interface cards (see column 10, lines 13-17) respectively connected to the first hub, the second hub, and the third hub; and a third personal computer (see column 4, lines 41-44 and column 5, lines 13- 15) provided with at least three network interface cards (see column 10, lines 13-17) respectively connected to the first hub, the second hub, and the third hub.

Response to Arguments

4. Applicant's arguments filed August 10, 2007 have been fully considered but they are not persuasive.

In the remarks of August 10, 2007, applicant traverses the rejection on the basis that persons of ordinary skill in the art cannot conceive and accomplish the inventions claimed by claims 1 and 8 of the subject invention based on the teaching of Citation 1. Examiner respectfully disagrees with Applicant characterization of the Citation 1. Citation 1 teaches that the inventions configuration could also be used for monitoring network connections (see column 10, lines 4-5). Therefore, persons skilled in the art can conceive and accomplish the inventions claimed by claims 1 and 8. For this reason, the rejection is maintained.

Conclusion

5. In addition to the rejection, Lee et al. (US 6493752) (see figure 4 and column 5, lines 40-61) also teaches the claimed subject mater.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form 892.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

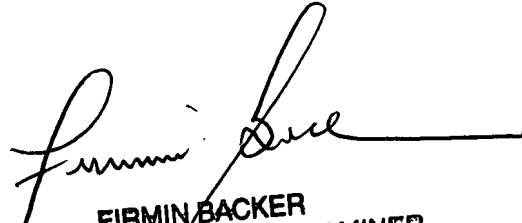
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdullah Riyami whose telephone number is (571) 270-3119. The examiner can normally be reached on Monday through Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AR



FIRMIN BACKER
SUPERVISORY PATENT EXAMINER